

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In re: GUIDANT CORP. IMPLANTABLE
DEFIBRILLATORS PRODUCTS
LIABILITY LITIGATION

MDL No. 05-1708 (DWF/AJB)

This Document Relates to:

John Alcorn, Cheryl Moll, on behalf of Earl
Bischoff, deceased, James Calhoon, James
DiMenna, William Dunlap, Carolyn Fearon,
on behalf of James Fearon, deceased, Alfred
Fernandes, and Jon Fitch,

Plaintiffs,

v. Civil No. 06-3634 (DWF/AJB)

Guidant Corporation, Guidant Sales
Corporation, Cardiac Pacemakers, Inc., and
Boston Scientific Corporation,

Defendants.

(as to Plaintiff Fitch)

ORDER

On September 27, 2006, Plaintiff Fitch filed a Notice of Voluntary Dismissal (MDL No. 05-1708 (DWF/AJB), Doc. No. 657; Civ. No. 06-3634 (DWF/AJB), Doc. No. 3) pursuant to Federal Rule of Civil Procedure 41(a). Having considered the submissions and reviewed the procedural history of the file, **IT IS HEREBY**

ORDERED:

1. Fitch's claims contained in the Complaint (Doc. No. 1) are **DISMISSED WITHOUT PREJUDICE.**

2. Each party to bear its own costs.

**LET JUDGMENT BE ENTERED ACCORDINGLY WITH RESPECT TO
FITCH ONLY.**

Dated: September 28, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court